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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,119

Applicant(s)

BOAST ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation of claim 1 “the tubular outlet member portion includes one or more stiffeners *extending along the axis* of the tubular outlet member portion”, lack proper antecedent in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

a). Claim 1, the independent claim, recites the limitation of “one or more stiffeners *extending along the axis of the tubular member portion*”, as filed in the amendments on 3-4-04, as in page 8, lines 8 – 9 of the amendments filed on 3-4-04. First of all, the stiffeners (which have been indicated as 29 in figs. 1 & 3), are actually extending along the wall which define the tubular outlet member portion and not along the axis (which would be along a centerline and on the inner surface) of the tubular outlet member portion. Neither the original specification or originally filed drawings provided support for this added limitation. Therefore, this limitation is considered **new matter** and must be canceled in response to this office action.

The examiner also want to point out that this limitation is different in the clean copy version of the claim 1 (beginning in page 8) from the marked-up version of claim 1 (in page 3 of the response filed 3- 4-04). Under the new rules of providing amendments of claims, applicants are required to provide the complete listing of the claims (i.e. the clean version beginning page 8) including their status identifiers. A discrepancy has occurred between the clean version with the complete listing of the claims and the marked up version (in page 3) of the base claim 1, and in this situation, the examiner has considered the (clean) version of claim 1 in page 8 of the response to be the correct copy and replaces all prior versions of the same claim. See M.P.E.P., section 714, III (3) of *Revised Amendment Format* .

b). Claims 2 – 14 are dependent claims of claim 1, and therefore, they also suffer the same defects since they depend therefrom.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 – 14 are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). In claim 1, it is unclear if applicants have created a typographical error in the recitation of the limitation “one or more stiffeners *extending along the axis of the tubular outlet member portion*”, and actually meant to claim that “one or more stiffeners extending along the *wall* of the tubular outlet member portion, and not axis of the tubular outlet member portion, as they (the stiffeners 29) are depicted in figures 1 & 3, or not. As already mentioned in the rejection above (112, 1st paragraph under the lack of sufficient written description in the paragraph 3 above), the marked-up version and clean copy of claim 1 are different and the difference is in the location of where the stiffeners are extending (i.e. along the axis of) along the tubular outlet member.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason (US 4,828,694) in view of Yamada et al. (US 4,889,621).

8. With regards to claim 1, Leason discloses an automatic transmission sump filter assembly being in fluid communication with an inlet of an automatic transmission fluid pump comprising:

- a filter housing (20,22, 40,42) having a base portion (20, 40) with a planar bottom and a filter chamber, an inlet (50) through the base portion planar bottom (40, 42) in fluid communication with a sump, and in fluid communication with the filter chamber, and a tubular outlet member portion (21) angularly extending from the base portion (20, 40) and defining an outlet in fluid communication with the filter chamber and the inlet of an automatic transmission fluid pump (not shown), wherein the tubular outlet member portion (21) including one or more stiffeners (ribs) extending along the wall (parallel to the axis of) the tubular outlet member portion and terminating before (an upper end of) the outlet member portion to form an end thereof, as in figs. 1 - 2, and
- filtration material (11) forming an envelope;
- a plastic filter element (in the form of a plastic grid 80) disposed in the filter chamber having at least one edge of the filtration material envelope (11) being embedded therein and at least one shoulder (83) can be adapted to receive at least one sealing member, and

- at least one sealing member (in the form of a weld or sealing ring/grommet 95) disposed in the filter element shoulder (83) wherein the sealing member is in sealing engagement with the filter housing (at 40, 41) and the filter element (11, 80) whereby the filter chamber is divided by the filter material (11), filter element (80) and sealing member (weld in the vicinity of the inlet 41, 40) into a clean transmission oil chamber (outside of the envelope 11 and within the housing 20, 40) that directly communicates with the outlet (21) and a dirty transmission oil chamber (within the envelope 11 and filter element 80) that directly communicates with the inlet (41, 50), as in figs. 1 – 10 and cols. 1 – 5.

Leason fails to disclose at least one outlet sealing member disposed in the outlet member portion and engaged against the end of one or more stiffeners and the (plastic) filter element being removably disposed in the filter chamber.

9. Yamada et al. teach a similar sump filter assembly to that of Leason, the sump filter assembly of Yamada et al. including a filter housing (3, 2) having a base portion (2, 3) and a tubular outlet member portion (7) angularly extending from the base portion, the tubular outlet member portion (7) including at least one outlet sealing member (56) disposed on an upper end of the outlet member portion, and further having a filter element (5, 16) capable of being removably disposed in (i.e. can be removed from due to its non-adhesively or unwelded placement in) the housing/filter chamber, as in figs. 4 – 5 & 9 and cols. 1 – 8.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter assembly of Leason by adding the embodiment taught by Yamada et al, in order to provide an assembly which has a leak-free seal and fluid-tight connection with the inlet of an

automatic fluid pump at the same time provide a filter element which can readily replaced or removed from the filter housing in case it is clogged or damaged after several uses. The case law, *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (*The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable*), the court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied (in this instance, gain access to the filter element of the prior art, Leason), it would be obvious to make the cap (filter element) removable for that purpose."

It is considered as a result of the combination of the teachings of Yamada et al. and Leason, the sealing member (56 of Yamada et al. 's device which is disposed on an upper end of the outlet member portion thereof) would engage the end (which is formed as a shoulder along the outer surface of the outlet member 21 of Leason) of one or more stiffeners (ribs) of the outlet member (21), as in fig. 5 of Leason, and therefore capable of forming a sealing engagement with an automatic transmission fluid pump.

10. Regarding claim 2, Leason, as modified by Yamada et al., has taught the limitations of claim 1 above. Leason further discloses the filter comprising at least one plastic rib (81) attached to the plastic filter element (80) and supporting the filtration material (11), as in figs. 5 - 6.

11. Concerning claim 3, Leason, as modified by Yamada et al., has taught the limitations of claim 2 above. Leason also discloses the plastic filter element (80) comprising an end wall (83) attached to the at least one plastic rib (81) with a portion (in the vicinity of the opening 84) of the filtration material (11) embedded (bonded therewith by means of welding) into the end wall member (83), as in fig. 9 and col. 4, lines 55 – 64.

12. With respect to claim 4, Leason, as modified by Yamada et al., has taught the limitations of claim 3 above. Leason further discloses the sealing member (95) comprising at least one O-ring (95) and the filter shoulder (83) being adapted to retain the at least one O-ring (95), as in fig. 4.

13. Regarding claim 5, Leason, as modified by Yamada et al., has taught the limitations of claim 4 above. Leason also discloses at least a portion of the end wall (83, by the opening 84) comprising a sealing member retaining shoulder adapted to receive at least one sealing member or O-ring (95) and disposed about the (inner and top) periphery of the end wall and further comprising at least one sealing member or O-ring (95) disposed in the end wall retaining shoulder wherein the sealing member (95) is in sealing engagement with the filter housing (40, 50) and the filter element (80 & 11), as in fig. 4.

14. With regards to claim 6, Leason, as modified by Yamada et al., has taught the limitations of claim 5 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 – 11.

15. Concerning claim 7, Leason, as modified by Yamada et al., has taught the limitations of claim 2 above. Leason also discloses the plastic filter element (80) comprising an end wall (83) with a portion (in the vicinity of the opening 84) of the filtration material (11) embedded (bonded therewith by means of welding) into the end wall member (83), as in fig. 9 and col. 4, lines 55 – 64.

16. Regarding claim 8, the limitation “the retaining shoulder” lacks proper antecedent basis. For examination purposes, the examiner considered the retaining shoulder to be the same structure referred to in claim 1 as the filter element shoulder. Leason, as modified by Yamada et al., has taught the limitations of claim 7 above. Leason further discloses the sealing member (95) comprising at least one O-ring (95) and the filter element/retaining shoulder (83) being adapted to receive the at least one O-ring (95), as in fig. 4.

17. With respect to claim 9, Leason, as modified by Yamada et al., has taught the limitations of claim 8 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 – 11.

18. Regarding claim 10, Leason, as modified by Yamada et al., has taught the limitations of claim 9 above. Leason also discloses the end wall member (83, by the opening 84) comprising a sealing member retaining shoulder adapted to receive at least one sealing member or O-ring (95) and disposed about the (inner and top) periphery of the end wall and further comprising at least one sealing member or O-ring (95) disposed in the end wall retaining shoulder wherein the sealing member (95) is in sealing engagement with the filter housing (40, 50) and the filter element (80 & 11), as in fig. 4.

19. Concerning claim 11, Leason, as modified by Yamada et al., has taught the limitations of claim 1 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 – 11.

20. With regards to claim 12, Leason, as modified by Yamada et al., has taught the limitations of claim 11 above. Leason also discloses the filter element comprising at least one plastic rib (81) and an end wall member (83) attached to the at least one plastic rib (81) with a portion (in the vicinity of the opening 84) of the filtration material (11) embedded (bonded therewith by means of welding) into the end wall member (83), as in fig. 9 and col. 4, lines 55 – 64.

21. With respect to claim 13, Leason, as modified by Yamada et al., has taught the limitations of claim 12 above. Leason further discloses the sealing member (95) comprising at

least one O-ring (95) and the filter shoulder (83) being adapted to retain the at least one O-ring (95), as in fig. 4.

22. Concerning claim 14, Leason, as modified by Yamada et al., has taught the limitations of claim 13 above. Leason also the end wall member comprising a sealing member retaining shoulder adapted to receive at least one sealing member (95) and disposed about the (inner and top) periphery of the end wall (83) and further comprising at least one sealing member (95) disposed in the end wall retaining shoulder (in the vicinity of the opening 84) and the sealing member (95) in sealing engagement with the housing (40, 50) and the element (80 & 11), as in fig. 4.

23. Claims 15, 25, 30 - 31 and 35 - 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason (694) in view of Cain (GB 2,171,024).

24. With regards to claim 15, Leason discloses a sump filter assembly in fluid communication with the inlet of a pump comprising:

- a filter housing (20,22, 40,42) having a base portion (20, 40) with a planar bottom, one or more stand off members (trapezoidal members formed on the outer peripheries of the housing, as in fig. 4) extending generally parallel to the planar bottom thereof and capable of engaging a sump, and a filter chamber, an inlet (50) through the base portion planar bottom (40, 42) in fluid communication with the sump, and in fluid communication with the filter chamber, and a tubular

outlet member portion (21) angularly extending from the base portion (20, 40) and defining an outlet in fluid communication with the filter chamber thereby defining a fluid flow path between the inlet (50, 41) and the outlet (21) through the chamber,

- a filter element disposed in the housing comprising:
 - a plastic member (80) having a frame and at least one sealing member retaining shoulder (83),
 - filtration material (11) with a portion thereof embedded (by welding) into the plastic frame (80 at 84, 83), as in figs. 5 & 9,
 - at least one plastic rib (81) attached to the plastic member (80) wherein a portion filtration material (11) is embedded into the rib (in the vicinity of the opening 84 and at weld 58), as in fig. 9, and
 - at least one sealing member (95 or a weld 58) disposed against the sealing member retaining shoulder (83) and sealingly engaging the housing wall (defined by the inlet tube 50, 41) in the housing chamber whereby the filter element is disposed in the fluid flow path between the housing inlet (41) and the outlet (21) to thereby filter sump fluid, as in cols. 1 – 5 and figs. 1 – 10.

Leason fails to disclose the housing having an access hole and the filter element being disposed through the access hole.

25. Cain teaches a sump filter assembly comprising a housing (5) having a base portion and a planar (flat) bottom, a filter chamber, an inlet (22) and a tubular outlet member portion

(chamber or conduit defined by walls 7 and outer left wall of housing 5 and adjacent the tubular conduit/connection 24) angularly (perpendicularly) extending from the base portion (bottom/lower end of housing 5) and defining an outlet in fluid communication with the filter chamber (defined within the cartridge 10 and within the filter element in cartridge 10) thereby defining a fluid flow path between the inlet (22) and the outlet (8, 24) through the chamber, and the housing having an access hole (formed at the right end wall and closed by a circular retaining wall 26) and further the filter comprising at least one filter element (34, 44) disposed through the housing access hole, as in figs. 1 – 7 and pages 1 – 3.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the housing of the sump filter assembly of Leason, by adding the embodiment taught by Cain, in order to provide an alternative and improved design for the housing, which provides a means for gaining access in order to remove and/or change a filter element from the housing, particularly in the situations where a new filter element would be required, as when the element has clogged or no longer is useful in filtering contaminants from the transmission fluid (see page 1 of Cain.).

26. Concerning claim 25, Leason, as modified by Cain, has taught the limitations of claim 15 above. Leason, as modified by Cain, further teaches the filter element (34 or 44 of Cain, or in the combination could be that of the element of Leason 11, 80) being accessible from the housing (5) access hole and removably disposed in the housing (5), as in figs. 1 – 7 of Cain, and Leason further discloses the filter element (80, 11) comprising an end wall member (83)

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attached to the at least one plastic rib (81) with a portion of the filtration material embedded/bonded into the end wall member (83), as in col. 4 and fig. 9.

27. Regarding claim 30, Leason, as modified by Cain, has taught the limitations of claim 15 above. Leason also discloses the at least one sealing member comprising an O-ring or a gasket member (95), as in fig. 4.

28. With regards to claim 31, Leason, as modified by Cain, has taught the limitations of claim 15 above. Leason further discloses the filter element further comprising an end wall member (83) attached to the at least one plastic rib (81) with a portion of the filtration material embedded/bonded into the end wall member (83), as in col. 4 and fig. 9. Although Leason, as modified by Cain, fails to teach the filter element being sonically welded to the housing access hole perimeter, it is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter assembly of Leason, as modified by Cain, by further having the filter element permanently fixed or secured to the housing by having it sonically welded to the access hole perimeter, in order to provide a unitary and/or integral filter assembly which ensures leak-free and fluid tight sealing of the filter element in the housing, at the same time, provide an assembly of parts which would be easy to handle and transport without causing any damage to the filter element during transport or causing displacement of the filter element in the housing. The case law, *In re Larson* (340 F.2d 965, 968 144 USPQ 347, 349 (CCPA 1965)) has provided that a claim towards an invention in which it differs from that of a prior art by using a

one piece construction (in which the filter element is sonically welded to the housing, thereby providing a permanent one-piece construction) instead of a structure disclosed in the prior art (i.e. several parts rigidly secured together as a single unit) would be merely a matter of obvious engineering choice.

29. With regards to claim 35, Leason, as modified by Cain, has taught the limitations of claim 15 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 – 11.

30. Regarding claim 36, Leason, as modified by Cain, has taught the limitations of claim 35 above. Leason also discloses the at least one sealing member comprising at least one O-ring (O-shaped grommet ring, 95), as in fig. 4.

31. Concerning claim 37, Leason, as modified by Cain, has taught the limitations of claim 36 above. Leason also discloses the filter element comprising an end wall member (83) attached to the at least one plastic rib (81), as in figs. 1 – 10.

32. Claims 16 – 24, 26 – 29, 32 – 34 and 38 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason and Cain, as applied to claims 15, 25 & 31, respectively above, and further in view of Yamada et al. (621).

33. With respect to claims 16, 20, 26, 32 and 38, Leason, as modified by Cain, has taught the limitations of claims 15, 25 and 31 above. Leason also discloses the tubular outlet member portion (21) including one or more stiffeners (ribs) extending along the outer wall surface of the tubular outlet member portion (21) and terminating before (an upper end of) the outlet member portion, to form an end thereof, and the plastic member (80) and at least one plastic rib (81) and the end wall member (83) being a *monolithically (constituting a single or whole rigid structure)* molded plastic (claims 20, 26, 32 & 38), as in figs. 1 – 2 & 6 and col. 1.

Leason, as modified by Cain, fail to teach the filter comprising at least one outlet sealing member disposed on the outlet member portion and engaged against the end of one or more stiffeners of the outlet member portion.

34. Yamada et al. teach a similar sump filter assembly to that of Leason, the sump filter assembly of Yamada et al. including a filter housing (3, 2) having a base portion (2, 3) and a tubular outlet member portion (7) angularly extending from the base portion, the tubular outlet member portion (7) including at least one outlet sealing member (56) disposed on an upper end of the outlet member portion and forming a sealing engagement with the outlet member, as in figs. 4 – 5 & 9 and cols. 1 – 8.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter assembly of Leason, as modified by Cain, by adding the embodiment taught by Yamada et al, in order to provide an assembly which has a leak-free seal and fluid-tight connection with the inlet of an automatic fluid pump. It is considered as a result of the

combination of the teachings of Yamada et al. and Leason, as modified by Cain, the sealing member (56 of Yamada et al. 's device which is disposed on an upper end of the outlet member portion thereof) would engage the end (which is formed as a shoulder along the outer surface of the outlet member 21 of Leason) of one or more stiffeners (ribs) of the outlet member (21), as in fig. 5 of Leason, and therefore capable of forming a sealing engagement with an automatic transmission fluid pump.

35. With regards to claim 17, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 16 above. Leason further discloses the at least one sealing member comprising at least one O-ring (95) and the shoulder (the surface 83 of opening 84) adapted to receive the at least one O-ring (95), as in fig. 4.

36. Concerning claim 18, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 17 above. Cain further teaches the filter element (10, 34, 44) comprising an end wall member (defined by the outer cartridge housing which includes circular wall 26, cylindrical cartridge 10 and its other end wall 24) attached to at least one plastic rib (38, 23, 32) integral with the plastic member (10, 34), whereby the plastic end wall member (at least the wall portion 26) extending through the housing access hole, as in figs. 1 – 4. The same motivation applied in claim 15 is applied here.

37. Regarding claim 19, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 18 above. Cain also teaches a portion of the filtration material (34) being embedded into the end wall member (at portion 24), as in fig. 4.

38. With respect to claim 21, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 20 above. Cain teaches a plurality of plastic ribs (32, and vertical ribs intersecting therewith) extending between the plastic member (10) and the end wall member (at least the wall 26) whereby a rib cage support for the filtration material (34) is formed, as in figs. 1 - 4.

39. With regards to claim 22, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 21 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 - 11.

40. Concerning claims 23, 27 and 39, Leason, as modified by Cain and Yamada et al., has taught the limitations of claims 22, 26 and 38 above. Cain also teaches the end wall member (at least portion 26) comprising a sealing member retaining shoulder (27), which is an O-ring retaining shoulder and is adapted to receive at least one sealing member (12) and disposed about the periphery of the end wall member and comprising at least one sealing member in the form of an O-ring (12), disposed in the retaining shoulder (27) and the sealing member/O-ring (12) being

in sealing engagement with the filter element (10, 34) and the housing (5), as in figs. 1 - 2 & 4 of Cain.

41. Regarding claim 24, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 23 above. Cain also teaches the at least one sealing member being at least one gasket member (12), as in figs. 1 - 2 & 4.

42. With regards to claims 28 and 33, Leason, as modified by Cain and Yamada et al., has taught the limitations of claims 27 and 32 above. Leason further discloses the filtration material (11) comprising polyester, as in col. 5, lines 7 - 11.

43. Concerning claim 29, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 28 above. Cain also teaches the at least one sealing member being at least one gasket member (12), as in figs. 1 - 2 & 4.

44. With respect to claim 34, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 32 above. Leason further discloses the filtration material (11) could be made from other filtering materials which can include nylon, stainless steel or cellulose, as in col. 5, lines 7 - 11 and col. 1, lines 18 - 22. Depending on the nature and conditions of filtering that the sump filter assembly would be exposed, such as high fluid temperatures, corrosive nature of fluids to be filtered and/or other manufacturing considerations such as lowered costs of

manufacturing, providing a filtration material which is durable, light-weight and easy to dispose, it is considered to be an obvious optimization step to modify the material of construction of the filtration material of Leason, as modified by Cain and Yamada et al., from a polyester felt to another material such as nylon or stainless steel or cellulose, for the desirable properties that the (another) material has. Nylon would be a good filtration material because it would provide a mesh that would be light-weight and durable filtration material. On the other hand, stainless steel is a well-known corrosion-resistant and temperature-resistant material and therefore could provide a filtration material which would be corrosion-resistant and temperature-resistant. Cellulose is another well-known filtration material which would be less expensive than those formed of nylon and stainless steel, however it is not as durable and would be biodegradable (i.e. easy to dispose of).

45. With regards to claim 40, Leason, as modified by Cain and Yamada et al., has taught the limitations of claim 15 above. Leason further discloses the tubular outlet member portion (21) including one or more stiffeners (ribs) extending along the outer wall surface of the tubular outlet member portion (21) and terminating before (an upper end of) the outlet member portion, to form an end thereof, as in figs. 1 – 2 & 6 and col. 1. Leason, as modified by Cain, further teaches the housing (5 of Cain or 20, 40 of Leason) being a *monolithic (formed as a rigid, one whole/unitary structure)* housing, as in fig. 1 of Cain or figs. 1 & 8 of Leason.

Leason, as modified by Cain, fail to teach the filter comprising at least one outlet sealing member disposed on the outlet member portion and engaged against the end of one or more stiffeners of the outlet member portion.

46. Yamada et al. teach a similar sump filter assembly to that of Leason, the sump filter assembly of Yamada et al. including a filter housing (3, 2) having a base portion (2, 3) and a tubular outlet member portion (7) angularly extending from the base portion, the tubular outlet member portion (7) including at least one outlet sealing member (56) disposed on an upper end of the outlet member portion and forming a sealing engagement with the outlet member, as in figs. 4 – 5 & 9 and cols. 1 – 8.

It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the filter assembly of Leason, as modified by Cain, by adding the embodiment taught by Yamada et al, in order to provide an assembly which has a leak-free seal and fluid-tight connection with the inlet of an automatic fluid pump. It is considered as a result of the combination of the teachings of Yamada et al. and Leason, as modified by Cain, the sealing member (56 of Yamada et al. 's device which is disposed on an upper end of the outlet member portion thereof) would engage the end (which is formed as a shoulder along the outer surface of the outlet member 21 of Leason) of one or more stiffeners (ribs) of the outlet member (21), as in fig. 5 of Leason, and therefore capable of forming a sealing engagement with an automatic transmission fluid pump.

Response to Amendments and Arguments

47. Applicants' amendments and arguments filed on 3-4-04 with respect to claims 1 - 40 have been considered but are moot in view of the new grounds of rejections set forth in this office action, based on the combination of previously applied prior art, Leason (694) & Cain (GB 024) with the newly found prior art, Yamada et al. (621).

48. Applicants' amendment necessitated the new grounds of rejections presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272-1144. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.S.O.
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